



Enforcement Action/Civil Penalty Trends

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Introduction



- **Enforcement Actions**
- **Civil Penalties**
- **Comparison with other Enforcement Agencies**



Enforcement Actions



- **101 Enforcement Actions Issued (2006)**

 - 29 SL-I

 - 266 SL-II

 - 56 SL-III

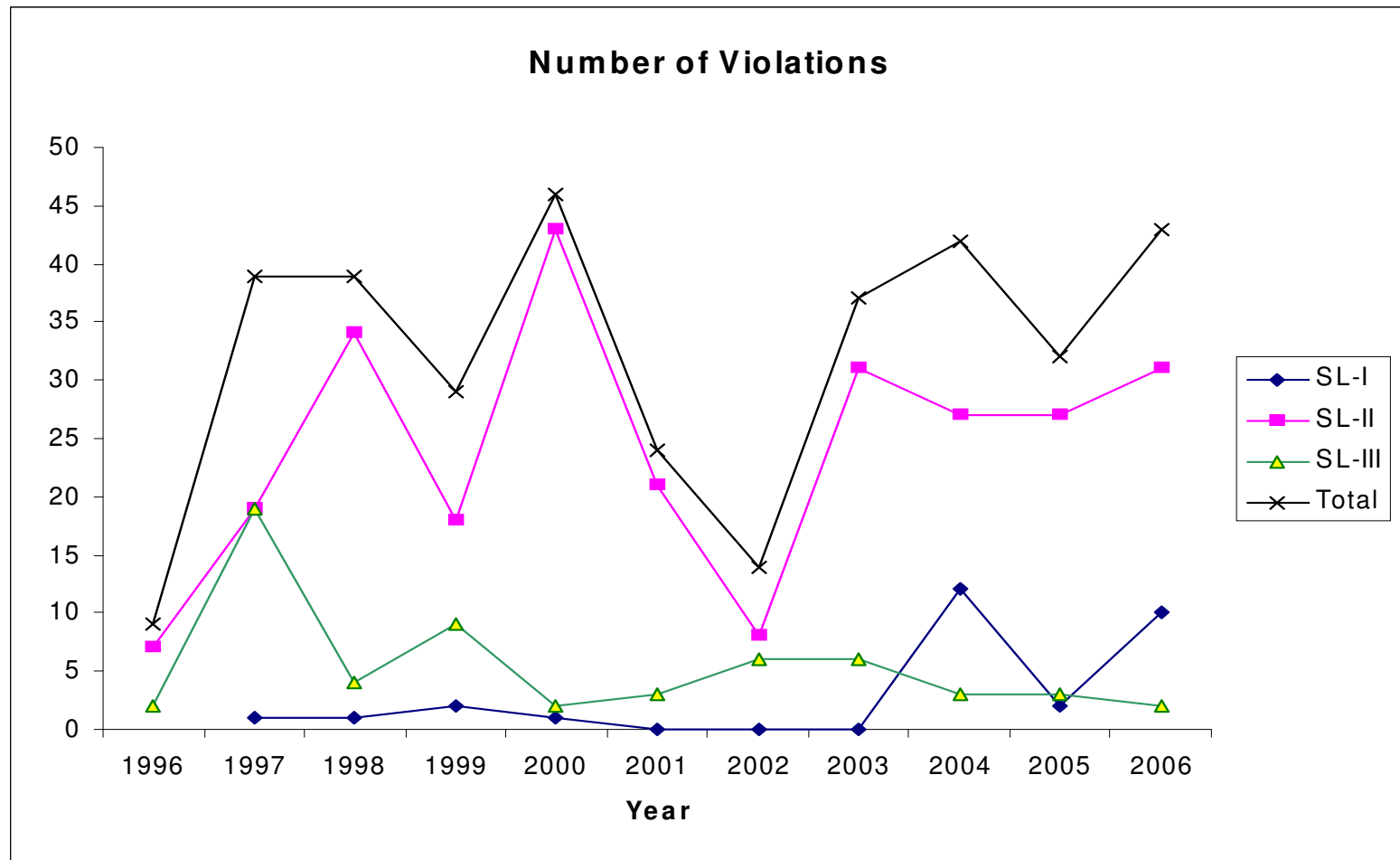
 - 1 Compliance Order

 - 6 Consent Orders

- **58 imposed civil penalties = \$8,560,375**

- **19 civil penalties waived totaling \$5,704,125**

- **18 enforcement actions with no civil penalty**





Civil Penalties



➤ Largest Civil Penalties

- 2000 \$1,045,000 (19 SL-II)
- 2004 \$ 935,000 (5 SL-I, 3 SL-II)
- 2004 \$ 770,000 (7 SL-I)
- 2006 \$1,100,000 (5 SL-1, 10 SL-II)

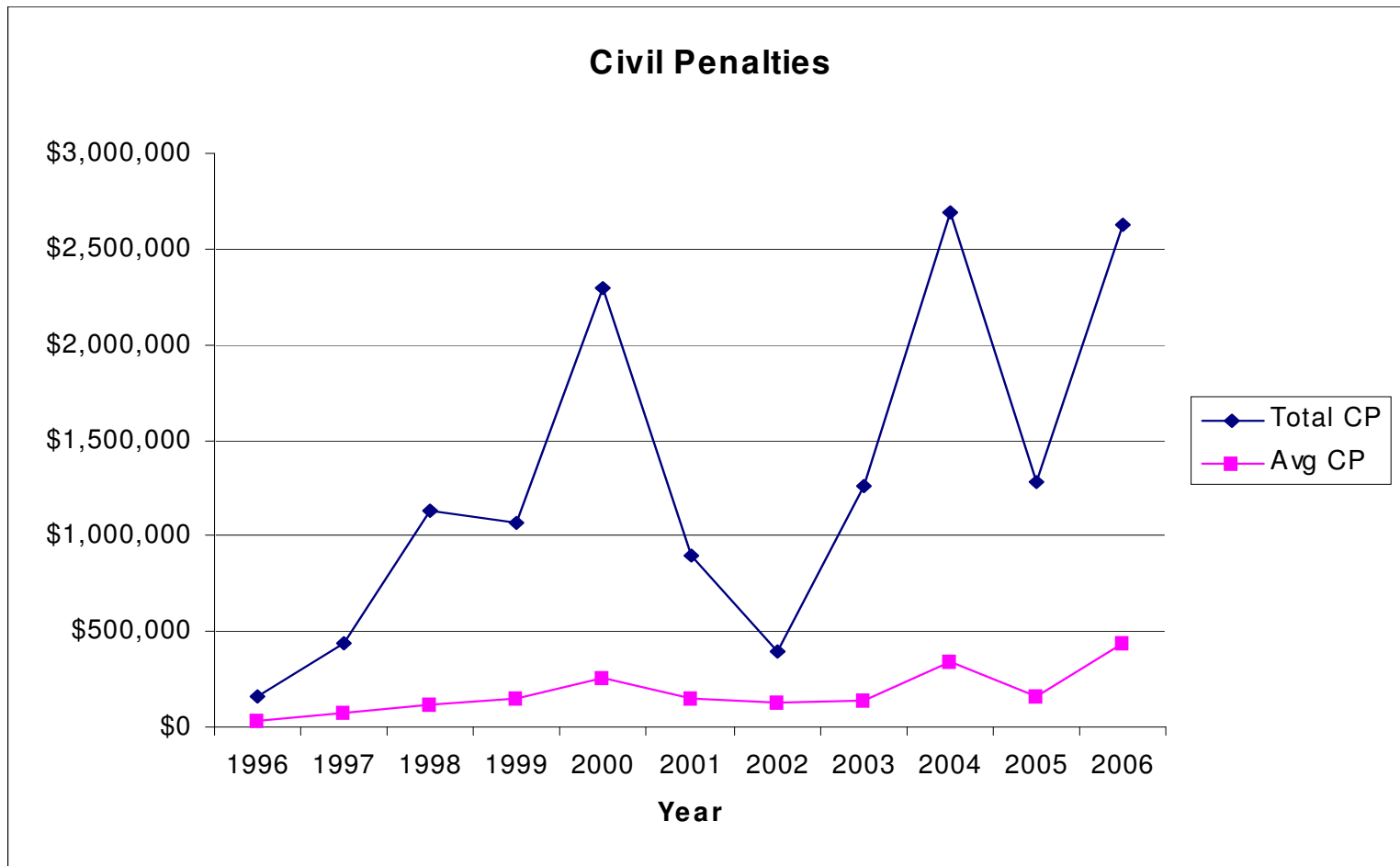
➤ 2004 first use of “Per Day” escalation



Civil Penalties



- **Yearly total civil penalty has increased**
- **Average civil penalty per enforcement action has also increased**
- **Factors**
 - Base civil penalty changed from facility to severity level
 - Maximum base civil penalties increased to \$110,000
 - Number of SL-I violations increasing
 - Per day escalation





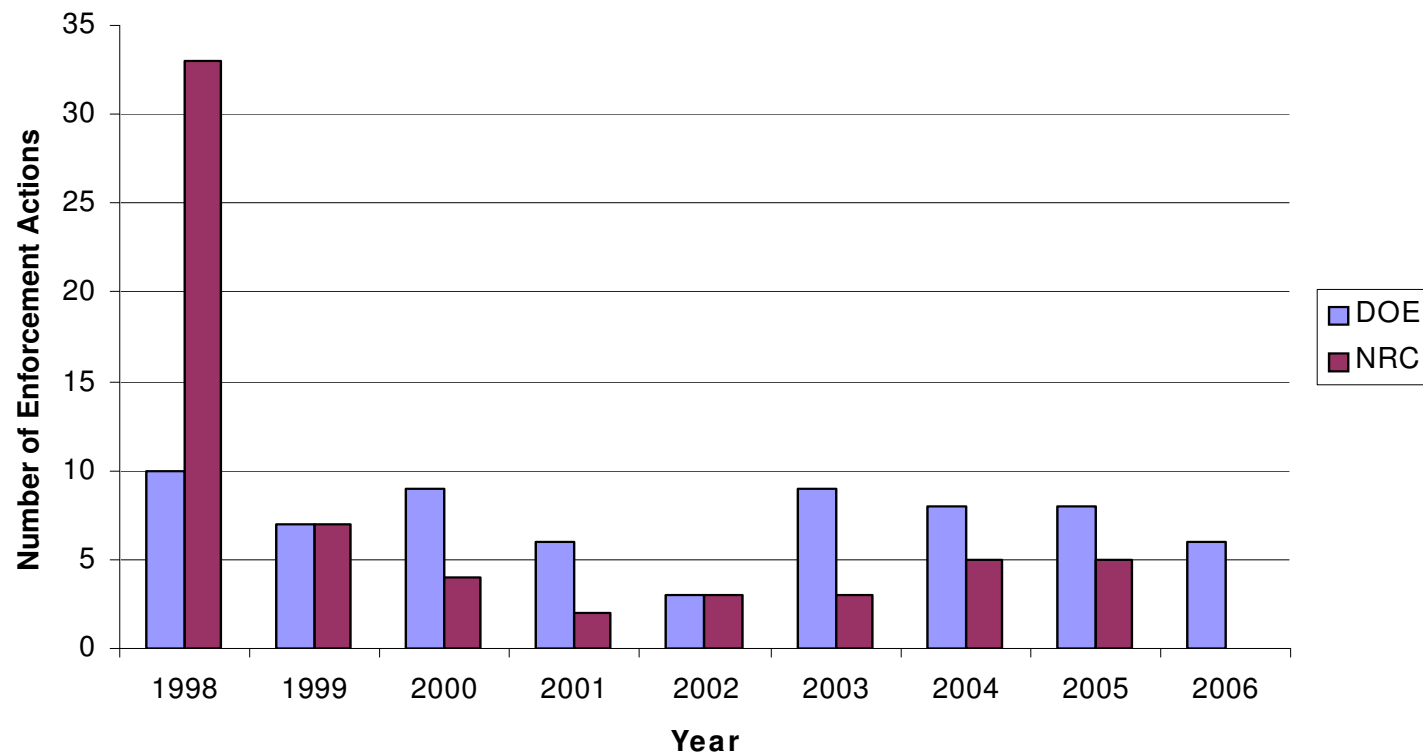
Comparison with other Enforcement Agencies



- **DOE is generally comparable to NRC in number of enforcement actions per year (except 1998)**
- **DOE has an equal or higher average civil penalty per enforcement action than NRC (except 1998 and 2005)**
 - 1998 NRC 1 EA = \$2,210,000
 - 2005 NRC 1 EA = \$5,450,000
- **DOE exceeds the average OSHA (willful) and EPA (Region 5) civil penalty**



Enforcement Actions With Civil Penalty





Comparison of Enforcement Agency Civil Penalties



	DOE	NRC	OSHA	EPA (Region 5)
	Avg CP/EA	Avg CP/EA	Avg Willful	Avg Penalty
1998	\$113,500	\$154,992		\$76,957
1999	\$153,214	\$139,000	\$35,902	\$61,379
2000	\$255,139	\$ 99,000	\$36,487	\$53,605
2001	\$148,958	\$ 55,000	\$25,106	\$21,216
2002	\$132,917	\$130,333	\$26,888	\$98,373
2003	\$140,556	\$ 60,000	\$31,763	
2004	\$336,875	\$ 58,400	\$29,908	
2005	\$160,531	\$1,126,250	\$43,294	
2006	\$438,167			



Comparison of Enforcement Civil Penalties

